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REMARKS

Claims 1, 2, 12, 14, 17, 19 and 22 have been amended to more clearly define the invention.

Support for the amendments is found in the existing claims and in the Application description in connection with Figure 8B and other places.

I. Objection to specification.

The specification is objected to as failing to discuss items referenced as 865 and 887 in Figure 8A.

Two paragraphs of specification page 15 describing Figure 8A are replaced. The only change to these specification paragraphs is that reference number "869" on line 11 has been changed to "865" and the reference number "889" on line 24 has been changed to "887". This is done to correct typographical errors only and to conform the description on page 15 to Figure 8A. No new material is added. Consequently this ground of objection is no longer deemed to apply and its withdrawal is respectfully requested.

II. Rejection of claim 14 under 35 USC 112.

Claim 14 is rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, claim 14 is rejected because the term "hierarchical" is erroneous.

Claim 14 is amended to replace the term "hierarchical" with the term "sequential" as suggested by the Examiner. Consequently this ground of rejection is no longer deemed to apply and its withdrawal is respectfully requested.

III. Rejection under 35 U.S.C. 102(b)

Claims 1-8 and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,845,255 – Mayaud. These claims, as amended, are deemed to be patentable for the reasons given below.

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Amended claim 1 recites a method for "transferring medical record information of a patient between portable processing devices" through "on a first portable processing device, selecting information to be transferred in response to user command; establishing a bidirectional communication link with a second portable processing device; and communicating patient identification information and said selected information on said established bidirectional communication link in response to user selection of a displayed icon". These features are not shown (or suggested) in Mayaud.

The system of claim 1 enables "transferring patient record information between portable processing devices by pre-selecting data elements comprising the patient identification information" (Application page 2 lines 24-27, page 5 lines 9-12). The system is also advantageously used (as recited in claim 6 etc.) to validate a user of another portable processing device has authority to access the patient confidential information prior to transfer. These features address the deficiencies of known electronic systems for transferring patient medical data within a hospital, for example (Application page 2 lines 3-8).

The arrangement of claim 1 enables "transferring medical record information of a patient **between portable processing devices**" through "on a first portable processing device, selecting information to be transferred in response to user command" and "establishing a bidirectional communication link with a second portable processing device" and "communicating **patient identification** information and said selected information on said established communication link in response to user selection of a **displayed icon**". In contrast, the system of Mayaud "solves the problem of providing a computerized, prescription management system that an average prescribing physician can use and will want to use and which makes possible significant improvements in the quality of prescriptions written" and "also solves the problem of significantly reducing prescription costs to patients and to their drugs benefit management company or government agency. The invention solves these problems for physicians by providing a prescription management system for electronic prescription creation by a prescriber at a point of patient care, said prescription being usable by a pharmacist to dispense drugs" (Mayaud column 4 lines 21-34). Mayaud does not discuss, mention, suggest or contemplate a system involving "selecting information to be transferred" from "a **first portable processing device**" to "a **second portable processing device**" by "establishing a bidirectional communication link".

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Contrary to the Rejection statements made (Rejection page 3), Mayaud involves communication between a portable processing device and a host computer at a fixed location. "in FIG. 16, are a number of user interface devices 200 and a desktop computer 201 communicating via any of a variety of communication services 202, through a gateway-router 204 with a host computer facility 206 (Mayaud column 45 lines 18-22). Further, "routing to the appropriate service and other communications technicalities are coordinated by communications gateway-router 204 which is networked or otherwise connected with **host computer facility 206**" (Mayaud column 45 lines 48-51). "Still other users may be supported by other host computer facilities communicating in their turn with host computer facility 206" (column 45 lines 56-58). "Host computer facility 206 provides **full software support** for user interface devices 200 and **maintains complete program files** for the prescription management system along with e-mail services and any other non-personal applications that may be needed by users of devices 200 beyond the basic operating systems and utilities" (Mayaud column 47 lines 11-15). Mayaud identifies a distinct advantage of this as being "interface devices 200 need have resident neither files nor software, beyond what is supplied with the device off the shelf" (Mayaud column 46 lines 52-55).

Mayaud does NOT suggest "transferring medical record information of a patient **between portable** processing devices" through "selecting information to be transferred" from "a **first portable** processing device" to "a **second portable** processing device" by "establishing a bidirectional communication link". Mayaud does not contemplate (or provide any 35 USC 112 compliant) description of "transferring medical record information of a patient between portable processing devices" at all. Mayaud also does not suggest "communicating **patient identification** information and said **selected information** on said established communication link" between "portable processing devices" in "**response** to user selection of a **displayed icon**". Consequently, withdrawal of the rejection of amended claim 1 under 35 USC 102(b) is respectfully requested.

Amended dependent claim 2 is considered to be patentable based on its dependence on claim 1. Claim 2 is also considered to be patentable because Mayaud does not show (or suggest) "said established communication link with said second portable processing device includes a wireless link and said step of selecting information to be transferred comprises selecting at least one of, (a) medical information associated with a plurality of patients, (b) medical information associated with a specific patient, (c) laboratory test results for a specific patient, (d) a medical

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report associated with a plurality of patients and (e) medical information associated with a specific healthcare provider and an associated group of patients". Mayaud teaches the advantage of having portable devices communicate with a fixed location host computer and does not suggest "transferring medical record information of a patient **between portable** processing devices". Mayaud also does not show or suggest "selecting information to be transferred" from "at least one of, (a) medical information associated with a plurality of patients, (b) medical information associated with a specific patient, (c) laboratory test results for a specific patient, (d) a medical report associated with a plurality of patients and (e) medical information associated with a specific healthcare provider and an associated group of patients" for transfer from "a **first portable** processing device" to "a **second portable** processing device" by "establishing" a "wireless" communication link between the devices.

Dependent claim 3 is considered to be patentable based on its dependence on claims 1 and 2. Claim 3 is also considered to be patentable because Mayaud does not show (or suggest) the feature combination of claim 1 in which "said step of selecting information to be transferred includes the step of supporting user navigation, in response to user command, through a plurality of display images to enable selection of said information to be transferred". Mayaud does not suggest such a combination.

Dependent claim 4 is considered to be patentable based on its dependence on claim 1. Claim 4 is also considered to be patentable because Mayaud does not show (or suggest) "configuring said method of transferring patient record information between portable processing devices by pre-selecting data elements comprising said patient identification information". As previously explained, Mayaud teaches the advantage of having portable devices communicate with a fixed location host computer and does not suggest "transferring medical record information of a patient **between portable** processing devices".

Dependent claim 5 is considered to be patentable based on its dependence on claims 1 and 4. Claim 5 is also considered to be patentable because Mayaud does not show (or suggest) "pre-selecting" data "elements comprising said patient identification information include at least **two** of (a) username, (b) password, (c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application identification supporting return of control to said calling application upon completion of communication on an established communication link".

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Dependent claim 6 is considered to be patentable for reasons given in connection with claim 1. Claim 6 is also considered to be patentable because Mayaud does not show (or suggest) "validating user authorization to access said selected information, and inhibiting communication of said selected information on said established communication link in response to unsuccessful validation of user authorization to access said selected information". Mayaud does not contemplate "transferring medical record information of a patient **between portable processing devices**" and does not recognize the need for, or provide any suggestion of, "validating user authorization to access...and inhibiting communication" of "selected information" to be transferred "**between portable processing devices**" to prevent unauthorized communication of patient medical data between "portable processing devices".

Dependent claim 7 is considered to be patentable for reasons given in connection with claims 1 and 6. Claim 7 is also considered to be patentable because Mayaud does not show (or suggest) "validating a second user is authorized to access said selected information, said second user being an intended recipient of said communicated selected information, and inhibiting communication of said selected information on said established communication link in response to unsuccessful validation of second user authorization to access said communicated selected information". As previously discussed, Mayaud does not contemplate "transferring medical record information of a patient **between portable processing devices**" and does not recognize the need for, or provide any suggestion of, "validating" an "intended recipient of said communicated selected information" is "authorized to access said selected information" and "inhibiting communication of said selected information on said established communication link in response to unsuccessful validation of second user authorization to access said communicated selected information" to prevent unauthorized communication of patient medical data between "portable processing devices".

Dependent claim 8 is considered to be patentable based on its dependence on claims 1 and 7. Claim 8 is also considered to be patentable because Mayaud does not show (or suggest) "receiving second user authorization information identifying a second user is authorized to access said selected information". As previously discussed, Mayaud does not contemplate "establishing a **bidirectional communication link**" **between "portable processing devices"** enabling "receiving second user authorization information identifying a second user" of a second portable

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device is "authorized to access said selected information" to prevent unauthorized communication of patient medical data between "portable processing devices".

Amended independent claim 17 is considered to be patentable for reasons given in connection with claims 1, 6, 7 and 8. Claim 17 is also considered to be patentable because Mayaud does not show (or suggest) a method for "receiving medical record information communicated to a first receiving portable processing device from a second portable processing device" involving "on a first receiving portable processing device, validating user authorization to access medical information; establishing a bidirectional communication link with a second portable processing device; inhibiting access to said medical information in response to unsuccessful validation of user authorization, said inhibiting access being performed by at least one of, (a) inhibiting receiving said medical information and associated patient identification information on said established communication link, and (b) inhibiting storing said medical information and associated patient identification information received on said established communication link". As previously discussed, Mayaud does not contemplate "transferring medical record information of a patient **between portable processing devices**" and does not recognize the need for, or provide any suggestion of, "validating user authorization to access medical information; establishing a bidirectional communication link with a second portable processing device; inhibiting access to said medical information in response to unsuccessful validation of user authorization, said inhibiting access being performed by at least one of, (a) inhibiting receiving said medical information and associated patient identification information on said established communication link, and (b) inhibiting storing said medical information and associated patient identification information received on said established communication link" to prevent unauthorized communication of patient medical data between "portable processing devices".

Dependent claims 18 - 21 are considered to be patentable based on their dependence on claim 17 and any intervening claims for the reasons given in connection with previous claims.

Amended independent claim 22 is a system claim mirroring method claim 1 and is considered to be patentable for the same reasons. Consequently withdrawal of the rejection of claims 1-8 and 17-22 under 35 USC 102(b) is respectfully requested.

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2001P07800US01*IV. Rejection under 35 U.S.C. 103(a)*

Claims 9, 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,845,255 – Mayaud in view of U.S. Patent application 2002/0019751 – Rothschild et al. in view of Microsoft Internet Explorer 5.0 (IE). These claims, as amended, are considered patentable for reasons given in connection with claim 1 and for the following reasons.

Dependent claim 9 recites a method of “transferring medical record information of a patient **between portable processing devices**” by “establishing a bidirectional communication link” between the portable processing devices for “providing **updated patient record** information to a patient record information repository” involving “storing a plurality of **communication settings** associated with a plurality of corresponding communication links; **sequentially initiating communication** on individual communication links, one at a time, using associated corresponding communication settings until an **acknowledgement** is received within a predetermined **time-out window** indicating a communication link with a second portable processing device is established”. These features are not shown or suggested in Mayaud with Rothschild in combination with IE.

The Rejection on page 7 recognizes that Mayaud does not disclose “**sequentially initiating communication** on individual communication links, one at a time, using associated corresponding communication settings until an **acknowledgement** is received within a predetermined **time-out window** indicating a communication link with a second portable processing device is established”. However, the Rejection on page 7, states that IE teaches “sequentially initiating communication on individual communication links, one at a time, using associated corresponding communication settings”. Contrary to the Rejection statements on page 7, neither IE nor Mayaud with Rothschild alone or together, suggest a “first portable processing” device “**sequentially initiating communication** on individual communication links, one at a time, using associated corresponding communication settings” for “establishing a bidirectional communication link” between portable processing devices. Further, neither IE nor Mayaud with Rothschild alone or together suggest employing this process in combination with “providing **updated patient record** information to a patient record information repository”.

The IE “Internet Options” and “Connections” submenu relied on in the Rejection pages 7 and 8 allows a user to select a **single** communication link to use to

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initiate communication to the Internet, LAN or a Virtual Private Network. It does NOT enable "sequentially initiating communication on individual communication links, one at a time, using associated corresponding communication settings". The connections menu does NOT enable "sequential" initiation of communication on multiple individual communication links "one at a time" at all. There is no capability in the referenced menu to "sequentially" initiate communication on multiple different "communication links". In addition, neither IE nor Mayaud with Rothschild alone or together suggest "sequentially initiating communication on individual communication links, one at a time, using associated corresponding communication settings until an acknowledgement is received within a predetermined time-out window indicating a communication link with a second portable processing device is established".

These features address the deficiencies of known electronic systems for transferring patient medical data within a hospital, for example (Application page 2 lines 3-8). Neither, IE nor Mayaud with Rothschild address or contemplate these deficiencies. Further, none of the references provide any other motivation or reason for incorporating the claimed features. In addition, the incorporation of the IE features into the Mayaud (with Rothschild) system, as suggested by the Rejection, results in a system in which a portable processing device initiates Internet or network communication, on a single communication link, with a fixed location host computer using communication settings pre-configured using a configuration menu. Such a system doe NOT provide the features of the claimed arrangement. Consequently withdrawal of the Rejection of claim 9 under 35 USC 103(a) is respectfully requested.

Dependent claim 10 is considered to be patentable based on its dependence on claims 1 and 9. Claim 10 is also considered to be patentable because Mayaud with Rothschild with IE does not show (or suggest) "sequentially initiating" communication "one at a time" on multiple communication links including "at least two" of "(a) connection via a PC compatible serial port, (b) connection via an infra-red link to a PC compatible serial port, (c) connection via an Ethernet compatible network (d) connection via an infra-red link to an Ethernet compatible network and (e) a wireless network connection". There is no capability in the referenced IE menu used with Mayaud with Rothschild to "sequentially" initiate communication on two different "communication links" of "(a) connection via a PC compatible serial port, (b) connection via an infra-red link to a PC compatible serial port, (c) connection via an Ethernet compatible network (d) connection via an infra-red link to an Ethernet compatible network and (e) a wireless network connection". The IE "Internet

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Options" and "Connections" submenu (with Mayaud with Rothschild) relied in the Rejection pages 7 and 8 allows a user to select a **single** communication link to use to initiate communication to the Internet, LAN or a Virtual Private Network. It does NOT enable "**sequentially** initiating communication on individual communication links, **one at a time**, using associated corresponding communication settings.

Amended dependent claim 12 is considered to be patentable for reasons given in connection with claims 1 and 9.

Dependent claim 13 is considered to be patentable for reasons given in connection with claims 1 and 9. Claim 13 is also considered to be patentable because Mayaud with Rothschild does not show (or suggest) "said set of communication settings include at least **two** of, (a) data rate, (b) protocol identifier, (c) sender identifier code, (d) error handling code identifier and (e) data format identifier". Mayaud with Rothschild with IE in Columns 25, 42, 46, Figure 3 and elsewhere, as relied on in the Rejection, does not show or suggest use of two of these parameters for communication between two portable processing devices.

Amended dependent claim 14 is considered to be patentable for reasons given in connection with claims 1 and 9.

Dependent claim 15 is considered to be patentable for reasons given in connection with claims 1 and 9. Claim 15 is also considered to be patentable because Mayaud with Rothschild does not show (or suggest) "communicating at least **two** of (a) username, (b) password, (c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application identification supporting return of control to said calling application upon completion of communication on an established communication link". Mayaud (with Rothschild) in column 10, as relied on in the Rejection mentions passwords but does not suggest use of "(a) username...(c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application identification" together with the features of claims 1 and 9.

Dependent claim 16 is considered to be patentable for reasons given in connection with claims 1 and 9. Claim 16 is also considered to be patentable because Mayaud with Rothschild with IE does not show (or suggest) "repeating said initiating communication step for a predetermined number of times until a connection is established or a communication failure is declared". There is no suggestion in the combined references of "repeating" "**sequential**" initiation of communication on

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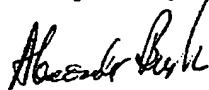
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multiple individual communication **links** "one at a time" for a "predetermined number of times until a connection is established or a communication failure is declared".

Dependent claim 11 is considered to be patentable for reasons given in connection with claims 1 and 9. Claim 11 is also considered to be patentable because Mayaud with Rothschild with IE does not show (or suggest) "sequential" initiation of communication on multiple individual communication links "one at a time" automatically "upon **detection of a lost connection** to support seamless operation of said portable processing device". The Rothschild scheme discussed in paragraph 0088 Relied on in the Rejection on page 9 merely comprises a scheme for polling for, and storing, changed IP addresses. This scheme, with the teachings of the other references, does NOT suggest "**sequential**" initiation of communication on multiple individual communication **links** "one at a time" automatically "upon detection of a lost connection to support seamless operation of said portable processing device". In addition there is no common problem recognition, motivation or other reason in the three cited references to combine the reference teachings to provide the claimed system. Further, the incorporation of the Rothschild and IE features with the Mayaud system, as suggested by the Rejection, results in a system in which a portable processing device initiates Internet or network communication, on a single communication link, with a fixed location host computer using communication settings pre-configured using a configuration menu involving polling to find changed IP addresses for updating communication settings. Such a system doe NOT provide the features of the claimed arrangement. Consequently withdrawal of the Rejection of amended claim 9-16 under 35 USC 103(a) is respectfully requested

In view of the above amendments and remarks, Applicants submit that the Application is in condition for allowance, and favorable reconsideration is requested.

Respectfully submitted,



Alexander J. Burke

Reg. No. 40,425

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Alexander J. Burke
Intellectual Property Department
Siemens Corporation,
170 Wood Avenue South
Iselin, N.J. 08830
Tel. 732 321 3023
Fax 732 321 3030